

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**No. 22-mj-2077-DPR**

**EZEKIEL JOSIAH KING,**

Defendant.

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR  
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Teresa A. Moore, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. § 3142(f)(1)(E), and § 3142(f)(2)(A). At this hearing, the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

**Supporting Suggestions**

1. Title 18, United States Code, Section 3142(f)(1)(E) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is one that involves the possession or use of a firearm, including possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3).

2. The statute recognizes two additional situations which allow for a detention hearing

and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:

- a. When there is a serious risk that the defendant will flee; or,
- b. When there is a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror. 18 U.S.C. § 3142(f)(2)(A) and (B).

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves the possession of a firearm by an unlawful user of a controlled substance. Further, there is a serious risk that the defendant's release will present a substantial risk to the victim and the community.

4. Moreover, the nature and circumstances of the charged offense, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. In assessing danger to the community, the inquiry is not limited only to the risk of physical violence but can also include the danger of continued criminal activity. *See United States v. Tortora*, 922 F.2d. 880 (1st Cir. 1990).

5. The Government is aware of the following evidence:

- a. In relation to the nature and circumstances of the offense charged, on December 21, 2022, a complaint was filed, charging the defendant with possession of a firearm by an unlawful user of a controlled substance.

- b. In relation to the weight of the evidence supporting the charge in the

Complaint, the Government would reincorporate the facts set forth in the affidavit in support of the criminal complaint.

c. In relation to the history and characteristics of the defendant, the defendant is the suspect or a person of interest in numerous firearm related investigations:

i. The defendant was the named suspect in a robbery that occurred on February 21, 2021, in which it was alleged that he pointed a gun at the victim's head, "racked the slide," threatened to shoot the victim, and stole the victim's firearm. That incident was documented in Springfield, Missouri, Police Department (SPD) Report #21-5848.

ii. The defendant was the named suspect in an assault that occurred on May 4, 2021, in which it was alleged that the defendant, during an argument, struck the victim in the face with a pistol with an extended magazine, and then fired multiple shots in the air. That incident was documented in SPD Report # 21-15127.

iii. The defendant was the named suspect in the theft of a firearm that occurred on December 2, 2021. That incident was documented in SPD Report #21-43783.

iv. The defendant was a person of interest in a drive-by shooting that occurred at the White Oak gas station on June 26, 2021. That incident was documented in SPD Report #22-20204.

v. The defendant was a suspect in the robbery of a Playstation, based on the victim's description of the suspect and vehicle, that occurred on March 9, 2022. This incident was documented in SPD Report #22-7618.

vi. The defendant was the suspect of an assault and robbery where the victim was shot in the back and was paralyzed, that occurred on March 18, 2022. The victim refused to cooperate in further prosecution. That incident was documented in SPD Report #22-8680.

vii. The defendant was the named suspect in a property damage and shooting case that occurred on August 14, 2022. According to the victim, the defendant sent multiple threatening text messages to the victim and the victim's friends indicating that he was going to shoot and kill them. He slashed the victim's tires and fired a bullet at the vehicle. That incident was documented in SPD Report #22-25915.

viii. The defendant was the named suspect in a harassment case in which the victim reported that the defendant threatened to come to the victim's home and kill the people the victim loved, that occurred on August 14, 2022. He also made statements that he was going to go on a "killing spree." This incident was documented in SPD Report #22-25940.

6. Given the nature and circumstances of the offenses charged, the weight of the evidence against the defendant, and the danger to the community by the defendant's release, the United States submits that there is clear and convincing evidence that there are no conditions that would reasonably assure the defendant's appearance in court or the safety of the victim or community. *See* 18 U.S.C. §3142(f) and §3142(g).

**WHEREFORE**, the United States requests a pretrial detention hearing and that the defendant be detained pending trial.

Respectfully submitted,

Teresa A. Moore  
United States Attorney

By /s/ Stephanie L. Wan  
Stephanie L. Wan  
Assistant United States Attorney  
Missouri Bar No. 58918  
901 St. Louis Street, Ste. 500  
Springfield, Missouri 65802

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on January 4, 2023, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Stephanie L. Wan  
Stephanie L. Wan  
Assistant United States Attorney